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REMARKS

Applicant thanks the Examiner for the telephonic interviews of July 14 and 19, 2006. During the Examiner Interviews, the pending rejections primarily with respect to Claim 1 and the primary cited reference, US 2005/0229213 (hereinafter, the '213 Application), were discussed. During the Examiner Interviews, Applicant traversed the rejections by at least pointing out that the '213 Application does not show all of the features of claim 1 such as being configured for radio programming. To further the prosecution of the present application, however, Applicant agreed to amend the claims to further clarify that feature, which has been implemented by the present Amendment. In response, the Examiner also agreed to withdraw the finality of the pending Office Action.

In consideration of the withdrawal of the finality of the pending Office Action, by this amendment, Applicant amends claims 1, 20, 21-26, 55, 63-67, and 70-72, and, adds new claims 73-85. As such, claims 1-26 and 55-85 are now pending in this application. Support for the amendments to the claims and the new claims can be found throughout the application. Amendments to the claims are being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any of the rejections by the Examiner. Claims 1, 20-26, 55, and 64 are amended to further clarify that the apparatus, method, or computer readable medium recited in those claims is configured for radio programming. The computer readable medium claims 65-67 and 70-72 are amended to include the term "the step of" to further clarify the structure of those claims. Claims 63 and 72, which the Examiner indicated to be allowable if rewritten independent form, are presently maintained as dependent claims but are amended to reduce the list of recited functions to a smaller set and to rewrite the deleted functions as new dependent claims 73-80. A confirmation of the allowability of those claims if rewritten as independent claims is respectfully requested. Applicants reserve the option to further prosecute the same or similar claims in the present or a subsequent application. No new matter has been added. New dependent claims 81-85 have also been added, which are directed to features such as portability and reception of user-selected radio signals.

In the Office Action, Claims 1-4, 55-57, 59, 64-66, and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by the '213 Application. However, all of the features of claims 1-4, 55-57, 59, 64-66, and 68 are not described by the '213 Application. For example, independent claim 1 recited an apparatus that is configured for radio programming. The '213

Application is directed to interactive television program guides and describes systems and methods that configured or receiving and processing television programming. For example, the Summary of the Invention section of the '213 Application states that "objects of the present invention are accomplished in accordance with the principles of the present invention by providing a program guide that records programs at a remote media server in response to user requests." The '213 Application, Par. 12, lines 1-5. Moreover, the '213 application explicitly further states that "[a]s used herein television 'program' and 'programming' are intended to mean any type of show or advertisement carried on a regular, premium, pay-per-view, music, or other type of television channel, and may include movies, pay-per-view programs, sporting events, music programs, commercials and any other type of telephone program." The '213 Application, Par. 60. Nowhere in the '213 Application does it describe functionality such as receiving or processing that is configured for radio or radio programming. Claim 1 and the specification of the present application make this distinction clear. For example, the Background section of the present application states:

"Some improvements have been made in television systems recently. Personal video recorders, such as those manufactured by TiVo, allow a user to easily record a television program, and also provide VCR-like controls for television programs. For example, see U.S. Pat. No. 6,259,441 (2001) to Ahmad et al., "Display pause with elastic playback," U.S. Pat. No. 6,327,418 (2001) to Barton, "Method and apparatus implementing random access and time-based functions on a continuous stream of formatted digital data," and U.S. Pat. No. 6,233,389 (2001) to Barton et al., "Multimedia time warping system". However, these types of improvements have been optimized for the needs of the television viewer. For instance, this prior art focuses on improving the viewing of specific television programs.

Radio listeners typically have different needs than television viewers. For example, television viewing typically happens in a fixed environment in a home, while radio listening often happens in varied, often mobile, environments. People may listen to the radio in a shower. People often listen to radio in a car, or carry a radio on their person as they pursue other activities. A television viewer may sit and watch a program through its completion. A radio listener more often listens casually while pursuing other activities, and may often switch between stations based on hearing a short duration item, such as a song, commercial, or traffic/weather report. Program schedules are quite important to television viewers, but are rarely used by radio listeners.

A system is needed that allows a radio listener to better control the audio content she hears. For example, a listener may need a way to easily back up and hear something again. This might include, for example, repeating a piece of information from a weather report or a traffic report, a phone number or other item in an advertisement, a favorite song, or information about a radio contest." (Paragraphs 5-7 of the published version of the application US 2004/0116088).

Many of the system and process issues that are of concern in radio programming do not exist or are different in the context of television programming. For example, radio programming typically has different granularity (e.g., duration of each radio program). The clarification provided in amended claim 1 makes it clear that the apparatus of claim 1 is configured to meet such differing demands and operational needs. Accordingly, Applicant has invented an apparatus as defined in claim 1 that was not described by the '213 Application. It is also the Applicant's understanding that the Examiner agreed with this conclusion during the above-mentioned examiner interview. Reconsideration of the rejection and the issuance of an allowance based on the foregoing is respectfully requested. Independent claims 55 and 64, are also distinguishable at least for the same reasons as given above for claim 1. Dependent claims 2-4, 56-57, 59, 65-66 and 68 are also allowable at least on the basis of the allowability of their respective base claim, claims 1, 55, and 64.

Five other rejections were also issued in the Office Action. Claims 5-10, 20, 60-61, and 69-70 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the '213 Application in view of U.S. Patent No. 5,457,815. Claims 11, 21, 62, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '213 Application in view of U.S. Patent No. 4,677,466. Claims 12-15, 18, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '213 Application in view of U.S. Patent No. 5,978,689. Claims 16-17 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '213 Application in view of U.S. Patent No. 6,725,022. Claims 19, 58, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '213 Application in view of U.S. Patent No. 4,953,212.

Independent claims 20-26 are allowable at least for the same reasons as provided above in connection with claim 1. Dependent claims 5-19, 58, 60-63, 67, 69-71, and new claims 73-85 are allowable at least on the basis of depending from an allowable base claim.

In view of the above amendments and remarks, the applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejections.

In view of the above amendments and remarks, the applicants respectfully request reconsideration and allowance of claims 1-26 and 55-85.

In view of the foregoing, it is believed that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

8/15/06
Date

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